

Amendment No. 5 to HB0865

Jones S
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1670

House Bill No. 865*

by deleting all of the language following the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Emergency Care for Rape Victims Act of 2005."

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Emergency contraception" means any drug or device approved by the federal food and drug administration that prevents pregnancy after sexual intercourse.

(2) "Emergency care to rape victims" means medical examinations, procedures, or services provided at a hospital to a woman following an alleged rape.

(3) "Hospital" means a hospital as defined in Tennessee Code Annotated, Section 68-11-201.

(4) "Medically and factually accurate and objective" means verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals where applicable or comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and Gynecologists (ACOG), recognize as accurate and objective.

(5) "Rape" includes any of the sexual offenses defined in Tennessee Code Annotated §§ 39-13-502, 39-13-503, 39-13-506, and 39-13-522.

(6) "Rape victim" means a female who alleges or is alleged to have been raped and presents as a patient.

SECTION 3. It shall be the standard of care for hospitals that provide emergency care to rape victims to:

(1) Provide each rape victim with medically and factually accurate and objective written and oral information about emergency contraception or refer such victim to a designated sexual assault treatment center that provides medical and forensic services;

(2) Orally inform each rape victim of her option to be provided with emergency contraception at the hospital or refer such victim to a designated sexual assault treatment center that provides medical and forensic services; and

(3) Provide the complete regime of emergency contraception immediately at the hospital to each rape victim who requests it or refer such victim to a designated sexual assault treatment center that provides medical and forensic services. No hospital may be required to provide emergency contraception to a rape victim who is pregnant.

It is essential for all hospitals that provide emergency treatment to either provide emergency contraception to the rape victim or to refer such victim to a designated sexual assault treatment center that provides medical and forensic services.

SECTION 4. Each hospital shall ensure that each person who provides care to rape victims is provided with medically and factually accurate and objective information about emergency contraception.

SECTION 5. The department of health shall ensure that hospitals use medically and factually accurate information for distribution to rape victims.

SECTION 6. The provisions of this act shall be subject to Tennessee Code Annotated, Section 68-34-104(5).

SECTION 7. In addition to any remedies at common law, the department of health shall respond to complaints and shall periodically determine whether hospitals are complying with this act. The department may use all investigative tools available to it to verify compliance with this act. If the department determines that a hospital is not in compliance with this act, the department shall, after two (2) violations, suspend or revoke the license or deny the hospital's application for license.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect July 1, 2005, the public welfare requiring it.